

REMARKS

We trust that the Examiner will now find the application to be in condition for allowance and reconsideration is respectfully requested. In response to the Examiner's objections, claim 6 has been amended. A marked-up version of the amended claim is included in a section attached hereto. In the marked-up claim, the words between brackets are being removed and those underlined are being added, which places the amended claim into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

In the Office Action, claims 6-8 of the present application were rejected under 35 USC 112, first paragraph. Specifically, the Office Action states that the disclosure is unclear as to how a slider is inserted on a fully interlocked zipper fastener because, in order to insert the separating blade of a slider between the interlocked members of the zipper, the interlocked members need to be slightly separated. In response, the specification of the present application recites that it is desirable to combine the technologies (slider zippers, plastic zippers opened and closed by a slider, and HFFS machines) so that slide-zippered reclosable packages can be made on HFFS machines. (Page 1, lines 20-25). As such, the present application makes use of sliders known in the art and provides a method of making packages with those sliders. The specification discloses the type of sliders that may be used in that the slider is shown and described as being inserted at the closing end on a interlocked zipper. (Page 6, lines 9-11) Figure 3 depicts the closure elements of the zipper as being fully interlocked.

In order to insert a slider on a fully interlocked zipper, the zipper must be able to accommodate a slider without a separating blade and such a slider must be inserted. An example of a zipper and a slider that can be utilized by the present application is disclosed in Machacek (U.S. Patent No. 6,047,450). As shown in Figures 2 and 3 of the Machacek reference, the interlocking elements of the profiles 12, 14 are configured in both the open and closed positions to utilize a slider 42 that separates and closes the profiles without a separating blade. As such, the specification of the present application utilizes and combines the technology of a slider without a separating blade with the technology of the HFFS machine disclosed in the application. As a result, the method of claim 6 and dependant claims 7, 8 of the present application,

which recite a method of making packages with the step of inserting sliders on fully interlocked zippers, are fully supported by the specification of the application.

In the Office Action, claims 6-8 of the present application were rejected under 35 USC 103(a) as being unpatentable over Lems (U.S. Patent No. 4,654,878) or Sanborn (U.S. Patent No. 4,437,293) in view of Thieman (U.S. Patent No. 5,956,924). In response, claim 6 has been amended to recite a method of making packages having slider-operated zippers, the method comprising the steps of providing a supply of a series of concatenated packages, each of the packages having a slider-operable reclosable zipper; providing a supply of sliders, each of the sliders being insertable onto the reclosable zipper and adapted to open and close the reclosable zipper as the slider is moved along the reclosable zipper in opening and closing directions, respectively; and for each of the packages, removing a slider from the slider supply and inserting the slider over the reclosable zipper at a section of the zipper while the closure elements of the reclosable zipper remain fully interlocked. A feature of the amended claim is the ability to combine the technologies (slider zippers, plastic zippers opened and closed by a slider, and HFFS machines) so that slide-zippered reclosable packages can be made on HFFS machines with sliders that may be inserted over fully interlocked zippers of the packages.

Claim 6 of the present application is distinguished from the Lems reference in that it is structurally impossible to insert a slider on the zipper of the Lems reference. The Office Action states that the Lems reference could use bags known in the art in which the zipper fastener could be on the bag edge. As shown in Figures 4 and 5 of the Lems reference, the bag is formed with a bag mouth 15 above the fastener strip profiles. This mouth is an essential part of the reference since it is formed as a loop opening for filling (Col. 4, lines 37-45), allowing the chute means 37 to fill the bags above the pouch of the bag. (See Figure 1) Since the mouth above the fastener strips in the Lems reference cannot be removed, the fastener strips could not be brought to the edge of the bag as suggested by the Office Action. As previously stated, the mouth of the bag would be a clear obstacle to slider insertion during bag manufacture. As such, the Lems reference neither teaches nor suggests the insertion of a slider.

In regard to the Thieman reference, a separating blade or probe 309 extends between the top closure elements 50a and 52a. (Col. 4, lines 20-22) As such, the fastener profiles 32 and 34 are not fully interlocked but are partially interlocked when the slider 42 is inserted. In addition, this configuration, which is not shown in the reference, is used only for sliders 48 that cannot be spread apart far enough to extend over the bottom closure elements. (Col. 4, lines 25-28) As such, the slider cannot be completely inserted over the zipper. Therefore the Thieman reference neither teaches nor suggests the insertion of a slider over a fully interlocked zipper, as recited by amended claim 6 of the present application.

In regard to the Sanborn reference, the forming and loading of zipper bags is depicted. (See Figure 2). However, the reference does not disclose the use of sliders and it would be structurally impossible to use sliders without a separator on the hook-type zippers shown in Figures 8 and 9 of the reference. Also, the main criteria of any substitute closure strips is that the closure strip be readily separable by the fingers of the consumer. (Col. 4, lines 47-49) In this circumstance, a slider with a separator could be the only substitute for the fingers of the consumer. By using a slider with a separator, the profiles could not be fully interlocked when the slider is inserted. As a result of this difference in possible slider insertion, the reference neither teaches nor suggests the loading of sliders over fully interlocked zippers as recited by amended claim 6 of the present application.

Because of the difference in slider insertion in the Thieman and Sanborn references and the inability of the Lems reference to accommodate sliders, it would not be obvious to one skilled in the art to combine the references to produce the method of amended claim 6 of the present application. Claims 7 and 8 of the present application, which depend on amended claim 6, also would not be obvious to one skilled in the art in view of the cited references.

In the Office Action, claims 6-8 of the present application were rejected under 35 USC 103(a) as being unpatentable over Lems (U.S. Patent No. 4,654,878) in view of Donovan (U.S. Patent No. 5,431,760) or Kosky (U.S. Patent No. 4,262,395) or Herrington (U.S. Patent No. 5,067,208). In response, claim 6 has been amended to recite a method of making packages having slider-operated zippers, the method comprising the steps of: providing a supply of a series of concatenated packages, each of the

packages having a slider operable reclosable zipper; providing a supply of sliders, each of the sliders being insertable onto the reclosable zipper and adapted to open and close the reclosable zipper as the slider is moved along the reclosable zipper in opening and closing directions, respectively; and for each of the packages, removing a slider from the slider supply and inserting the slider over the reclosable zipper at a section of the zipper while the closure elements of the reclosable zipper remain fully interlocked. A feature of the amended claim is the ability to combine the technologies (slider zippers, plastic zippers opened and closed by a slider, and HFFS machines) so that a series of slide-zippered reclosable packages can be made on HFFS machines with sliders that may be inserted onto fully interlocked zippers at a high speed.

As described above, amended claim 6 of the present application is distinguished from the Lems reference in that it is structurally impossible to insert a slider on the zipper of the Lems reference. In regard to the Donovan reference, the zipper slider is inserted onto a continuous zipper track by moving adjacent parts of the track apart, and inserting the slider over one exposed end. (Col. 1, lines 63-68) The movement of the zipper and bag material is periodically interrupted to allow cutting and insertion of the slider over the exposed end. (Col. 2, lines 1-16). Since the slider is loaded over the end of a zipper that is stopped, the reference clearly uses different technology, than that of applying zippers to a series of packages and is impractical for high-speed production.

In addition, Figures 1-4 of the Donovan reference depict the slider inserted onto a zipper in a closed position; however, the reference has no provision for opening the zipper. If the slider were attached as shown, the slider would ride across the length of the zipper and the zipper would be inoperable. As a result of this lack of a zipper opening operation and the difference in slider insertion, the Donovan reference neither teaches nor suggests the package-making method of amended claim 6 of the present application in which sliders can be inserted on a series of packages in which each slider is adapted to open and close the reclosable zipper of each package.

In regard to the Kosky reference, the separation of the mating strips 2,4 is fully accomplished by the arrowhead section 26. (See Figure 8) As such, the zipper has to be fully separated for the slider to be

inserted, because the separating section extends beyond the mating strips toward the interior of the bag to be formed. As a result of this zipper separation during slider insertion, the Kosky reference neither teaches nor suggests the package-making method of amended claim 6 of the present application in which the sliders are inserted over the fully interlocked zippers of a series of packages.

In regard to the Herrington reference, the separation of the reclosable fastener elements 16, 17 of the zipper 11 is accomplished by a separator finger 9. (Col. 4, lines 39-45) As such, the zipper has to be at least partially separated for the slider to be inserted, because the separating section extends between the fastener elements toward the interior of the bag to be formed. As a result of this zipper separation during slider insertion, the Herrington reference neither teaches nor suggests the package-making method of amended claim 6 of the present application in which the sliders are inserted over the fully interlocked zippers of a series of packages.

Because of the difference in slider insertion in the Donovan, Kosky, and Herrington references and the inability of the Lems reference to accommodate sliders, it would not be obvious to one skilled in the art to combine the references to produce the method of amended claim 6 of the present application. Claims 7 and 8 of the present application, which depend on amended claim 6, also would not be obvious to one skilled in the art in view of the cited references.

In the Office Action, claims 6-8 of the present application were rejected under 35 USC 103(a) as being unpatentable over Donovan (U.S. Patent No. 5,431,760) in view of Thomas (U.S. Patent No. 5,788,378). As described above, a feature of amended claim 6 is the ability to combine the technologies (slider zippers, plastic zippers opened and closed by a slider, and HFFS machines) so that a series of slide-zippered reclosable packages can be made on HFFS machines with sliders that may be inserted onto fully interlocked zippers at a high speed.

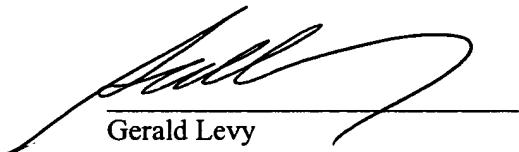
Also as described above, the Donovan reference neither teaches nor suggests the package-making method of amended claim 6 of the present application in which sliders can be inserted onto the zippers of a series of packages with the slider able to open and close the zipper. In regard to the Thomas reference, the separation of the first and second profile tracks 82, 84 is fully accomplished by the wedge

section of the slider assembly 86. (See Figure 7) As such, the zipper has to be separated for the slider to be inserted, because the wedge section extends toward the interior of the bag to be formed. As a result of this zipper separation during slider insertion, the Thomas reference neither teaches nor suggests the package-making method of the amended claim 6 of the present application in which the sliders are inserted over the fully interlocked zippers of a series of packages.

Because of the difference in slider insertion in the Donovan and Thomas references, it would not be obvious to one skilled in the art to combine the references to produce the method of amended claim 6 of the present application. Claims 7 and 8 of the present application, which depend on amended claim 6, also would not be obvious to one skilled in the art in view of the cited references.

In view of the above, it is respectfully submitted that the claims as herein are patentably distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

6. (Amended for a Fourth Time) A method of making packages having slider-operated zippers, said method comprising the steps of:

providing a supply of a series of concatenated packages, each of said packages having a slider-operable reclosable zipper;

providing a supply of sliders, each of said sliders being insertable onto said reclosable zipper and adapted to open and close said reclosable zipper as said slider is moved along said reclosable zipper in opening and closing directions, respectively; and

for each of said packages, removing a slider from said slider supply and inserting said slider [onto] over said reclosable zipper at a section of said zipper while the closure elements of said reclosable zipper remain fully interlocked.